

Minutes of a regular meeting of the Town Council of the Town of Marion, Virginia held in the Council Chambers of the Municipal Building on September 16, 2019 at 5:30 p.m.

PRESENT: Mayor David Helms, Vice-Mayor Dr. Jim Gates, Jim Barker, Tricia Spencer, Suzanne Jennings, Bill Weaver, Larry Carter and Avery Cornett Council Members; Chairman Cameron Wolfe, Trey White, Ben Reedy and Jim Barker Planning Commission Members; Town Manager Bill Rush, Town Clerk Cindy Stanley; Town Attorney Mark Fenyk; Smyth County News Representative Stephanie Porter-Nichols; Police Chief John Clair; Police Sergeant Rick Billings; Assistant Town Manager/Town Engineer Cecil Hicks; Purchasing Agent/Fire Chief Billy Hamm and Economic Development Director Ken Heath.

ABSENT: Alice Freeman, Bob Ramsey and Kimberly Austin Planning Commission Members.

INVOCATION/PLEDGE TO THE FLAG: Mr. Heath rendered the invocation. Mayor Helms led the Pledge to the Flag.

VISITORS: Joe Naff, Kathy Smith, Charles Hayden, Jennifer Bralley, Jay Overbey, Brian Morris, Michael Perry, Charles Wassum, Robert Copeland, Brady White, and Jeff & Anna Leigh DeBord.

MINUTES: Upon motion of Mr. Weaver, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the minutes of the meeting held September 3, 2019 were approved as written. Messrs Barker, Dr. Gates, Spencer, Jennings, Weaver, Carter and Cornett voted affirmatively.

AGENDA: Upon motion of Mrs. Jennings, seconded by Mr. Weaver and a vote of 7 AYES and 0 NOES, the agenda was approved as distributed.

JOINT PUBLIC HEARING PROPERTY MAINTENANCE CODE: Mayor Helms announced this is a Joint Public Hearing with Planning Commission. He turned the meeting over to Planning Commission Chairman Wolfe. He asked Chief Clair to review the information. He gave an overview of the purpose and scope noting the focus is on establishing and enforcing minimum Residential Health and Safety Standards. Chairman Wolfe opened the Public hearing for citizen comment.

*Charles Wassum, 200 Larch Street, asked if this applies to private residences. Chief Clair noted this applies only to residential. Chief Clair noted there are approximately 50 homes that seem uninhabitable and an additional 30 that need work to be in compliance. The minimum standards for health and safety have been set by the Commonwealth of Virginia. Discussion ensued.

*Charles Hayden, 726 South Church Street, addressed his concerns regarding this being discrimination against elderly and disabled, as circumstances may not allow their homes to be brought up to standards due to financial reasons. He also expressed his concerns of the towns reason for implementing the program. Discussion ensued. Chief Clair reviewed the reasons for the Police Department to be the enforcing department.

*Brian Morris, 630 Henry Street, spoke in favor of the Property Maintenance Code updates.

*Jay Overbey asked if all 50 citizens had been notified. Chief Clair reported each individual case is different and efforts are made to work through each case.

With no further comments, the Public Hearing was closed. Upon motion of Mr. Reedy, seconded by Mr. Barker and a vote of 4 AYES and 0 NOES, it is the recommendation of Planning Commission that the Property Maintenance Code Updates be accepted. Mr. Weaver made a motion to adopt the Property Maintenance Code Updates, seconded by Mrs. Jennings and discussion ensued. Mr. Cornett inquired about contacting Smyth County. Mr. Rush noted this will not change our agreement with Smyth County and we will not be duplicating efforts. Mr. Rush also noted this program is designed to protect property values not promote economic development. Most towns the size of Marion and larger, have something similar in place. Mayor Helms noted there are multiple agencies in the region to assist citizens with bringing their residence up to the minimum health and safety standards. There is also a possibility the Community Development Block Grants will assist with scattered site projects in the future. Planning Commission members were excused and Mr. Barker joined council on the dais. Upon a vote of 7 AYES and 0 NOES, the Property Maintenance Code Updates were adopted.

PUBLIC PRESENTATIONS: Jennifer Bralley, Smyth County Humane Society representative, reported the TNR (Trap, Neuter, Return) program is underway with approximately 4 appointments per week, with 40 already scheduled. Ms. Bralley noted Two Mauds allows 10% of their funding to go towards medical cost for the cats. She inquired if the town would allow for the same. Mr. Rush reviewed the original agreement which states all funds go toward the TNR program. Ms. Bralley noted there are several fundraisers each year. Upon motion of Mr. Cornett, seconded by Mr. Carter and a vote of 4 AYES and 3 NOES, 10% of the funding, \$350, will be allowed for medical costs for cats that are part of the TNR program that may need additional medical care. Ms. Bralley noted a citizen has taken in 14 kittens until they can be adopted. Mr. Rush reviewed the agreement noting the program was for adult feral cats not rescued animals. Ms. Bralley will give another update in October.

Mr. Barker reviewed a request by the Albano Soccer Foundation. Upon motion of Mr. Barker, seconded by Ms. Spencer and a vote of 7 AYES and 0 NOES, it was approved for the Albano Soccer Foundation to hold the Annual Gobbler Gallop again this year.

Mayor Helms reminded everyone of the VML Conference in Roanoke October 6-8, 2019. The next Council meeting will be rescheduled to Tuesday, October 8, 2019 at 5:30 pm. He noted the Town & Country Dinner is set for September 26, 2019 at 6:00 pm. Mayor Helms reviewed the Proclamation Constitution Week 2019 noting this was signed at the Courthouse last week. Upon motion of Mr. Carter, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the Proclamation Constitution Week 2019 was accepted. The Blue Ridge Job Corps Luncheon will be Thursday, September 19, 2019 at noon. Mount Rogers Community Services Dedication will be Tuesday, September 24, 2019 from 2:00 to 5:00 pm at the Smyth Crisis Care Center at 1590 North Main Street. Upon motion of Mrs. Jennings, seconded by Mr. Carter and a vote of 7 AYES and 0 NOES, a Resolution recognizing November 1, 2019 as Extra Mile Day was adopted.

Mr. Fenyk reviewed an invitation, noting the Recovery Court Graduation will be this Friday at 2:00 pm at the Courthouse.

ACCOUNTS: Upon motion of Mr. Carter, seconded by Mrs. Jennings and a vote of 7 AYES and 0 NOES, the accounts were approved for payment in the amount of \$1,100,465.79. Messrs Dr. Gates, Barker, Spencer, Jennings, Weaver, Carter and Cornett voted affirmatively.

Chief Clair reported attended a planning session for an alternate TDO process with Smyth County Crisis Care Center.

Mr. Heath reported the Sorenson Institute will meet in Marion Thursday, September 19, 2019. The next Pop Up class starts October 15, 2019. Student Government Day will be October 22, 2019. There were 85 registrants for the JAM, Junior Appalachian Musicians, class at the Henderson School. Mr. Heath reviewed plans for the Homecoming Parade. Upon motion of Mrs. Jennings, seconded by Mr. Carter and a vote of 7 AYES and 0 NOES, the Homecoming Parade Thursday, October 3, 2019 at 6:00 pm was approved.

Mr. Hicks reported The South Church Street Drainage Project will begin October 1, 2019 and has a 150 day contract. The school system will be advised of any bus route changes. Notification was received today from Virginia Department of Health, the Phase V CIRP Water Project was funded at 50% grant. Other municipalities are beginning to reach out to us on the structure of our CIRP Program.

Mr. Rush noted a trial run on the Topsoil Project will be completed in approximately one month. Sewer Phase V CIRP Project will be approximately \$400,000. Additional CIRP Projects have been completed above and beyond CIRP Applications.

CLOSED SESSION: Pursuant to Code of Virginia, as amended, Section 2.2-3711 (A-7) upon motion of Mrs. Jennings, seconded by Dr. Gates and vote of 7 AYES and 0 NOES, Town Council entered into Closed Session for discussion of Legal matters. Mrs. Jennings moved that Town Council return to Open Session and identified it be known that only those matters legally exempted from Open Session and identified in the motion were discussed during Closed Session. The motion was seconded by Ms. Spencer and carried

by a vote of 7 AYES and 0 NOES. The Town Clerk polled the Council Members. Messrs Dr. Gates, Barker, Spencer, Jennings, Weaver, Carter and Cornett voted affirmatively.

Upon motion, duly seconded and a vote of 7 AYES and 0 NOES, the meeting was adjourned at 8:08 pm.

Mayor

Clerk